

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ZHEJIANG HAILIANG CO. LTD.,)
)
Plaintiff/Counterclaim Defendant,)
)
v.) 1:23-cv-1606 (LMB/LRV)
)
KME GERMANY GMBH,)
)
Defendant/Counterclaim Plaintiff.)

ORDER

Before the Court are Zhejiang Hailiang Co. Ltd.'s ("plaintiff") Motion for Summary Judgment and Motion to Amend the Underlying Trademark Application, and KME Germany GmbH's ("defendant") Partial Motion for Summary Judgment. For the reasons stated in open court, defendant's Partial Motion for Summary Judgment, [Dkt. No. 177], is DENIED, and plaintiff's Motion for Summary Judgment, [Dkt. No. 184], is GRANTED because, among other reasons, the Court finds that in its opposition to plaintiff's registration of the mark at issue, the defendant engaged in inequitable conduct before the Trademark Trial and Appeal Board ("TTAB"). This decision renders plaintiff's Motion to Amend the Underlying Trademark Application moot. Accordingly, plaintiff's Motion to Amend, [Dkt. No. 273], is DENIED; and it is hereby

ORDERED that judgment be and is entered in favor of plaintiff Zhejiang Hailiang Co. Ltd. on Counts I, II, and III of the Second Amended Complaint; and it is further ORDERED that Count V of the Second Amended Complaint be and is DISMISSED as moot; and it is further

ORDERED that the TTAB decision in Opposition No. 91267675 be and is REVERSED;
and it is further

ORDERED that the Director of the United States Patent and Trademark Office
("USPTO") be and is directed to REGISTER the trademark of application Serial No. 88863480;
and it is further

ORDERED that any motion to have this civil action declared exceptional be filed within
fourteen (14) days of this Order, and that any response in opposition be filed within fourteen (14)
days thereafter.

Also before the Court are seven motions to seal. For the reasons stated in open court,
[Dkt. Nos. 167, 203, 220, and 229] are DENIED, and [Dkt. Nos. 132, 141, and 144] are
GRANTED; and it is hereby

ORDERED that [Dkt. Nos. 171, 172, 173, 207, 219, 233, 234, and 235] be and are
UNSEALED.

The Clerk is directed to enter judgment in favor of plaintiff under Fed. R. Civ. P. 58 and
to forward copies of this Order to counsel of record and to the Director of the USPTO.

Entered this 10th day of January, 2025.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge